

AMENDED IN SENATE AUGUST 31, 2001

AMENDED IN SENATE JULY 19, 2001

AMENDED IN SENATE JULY 3, 2001

AMENDED IN ASSEMBLY MAY 31, 2001

AMENDED IN ASSEMBLY APRIL 16, 2001

AMENDED IN ASSEMBLY APRIL 2, 2001

CALIFORNIA LEGISLATURE—2001–02 REGULAR SESSION

## **ASSEMBLY BILL**

**No. 770**

**Introduced by Assembly Member Nakano  
(Coauthor: Assembly Member Cedillo)**

February 22, 2001

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An act to add and repeal Section 2407.5 of the Vehicle Code, relating to vehicles.

### LEGISLATIVE COUNSEL'S DIGEST

AB 770, as amended, Nakano. Cellular telephones: vehicles: study.

(1) Existing law requires the Department of the California Highway Patrol to prepare and, on request, supply to police departments, coroners, sheriffs, and other suitable agencies or individuals, forms for accident reports required under the Vehicle Code, ~~which reports shall~~ *that* call for sufficiently detailed information to disclose with reference to a traffic accident the cause, conditions then existing, and the persons and vehicles involved.

This bill would require any accident report prepared by a member of the Department of the California Highway Patrol or any other peace

officer, to include information as to whether a cellular telephone or other electronic device, as defined, was present in the vehicles involved in the accident and whether the use of that device or devices is a known or suspected contributory factor to the cause of the accident.

The bill would require this information to be collected and transmitted to the department by July 1, 2002.

The bill would require the department to study and make recommendations concerning the issue of driver distractions ~~in connection with the use of cellular telephones and electronic devices placed and used in motor vehicles~~ *as contributory factors to the cause of traffic accidents*. The bill would require the department to develop recommendations for legislative or regulatory action to address these issues, to review and analyze existing studies and statistics relating to ~~the use of cellular telephones and other electronic devices while driving~~ *issue of driver distractions as contributory factors to the cause of traffic accidents*, and to report to the Legislature and Governor by December 31, 2002. The bill would require the study to evaluate the reliability of available data and evaluate steps to improve the reliability of data reporting and collections.

Because the bill would increase the level of services imposed on local law enforcement agencies, the bill would create a state-mandated local program.

(2) The bill would remain in effect only until January 1, 2003, and as of that date, would be repealed unless a later enacted statute deletes or extends that date.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.



*The people of the State of California do enact as follows:*

SECTION 1. The Legislature finds and declares all of the following:

(a) Cellular telephones and other electronic technologies are rapidly becoming a significant concern with regard to highway and traffic safety.

(b) The usage of cellular telephones and other electronic devices will continue to proliferate in motor vehicles.

(c) Future motor vehicles will likely provide drivers with concierge services, web-based information, online e-mail capabilities, CD-ROM access, onscreen and audio navigation technology, and a variety of other information and entertainment services.

(d) In considering these emerging technologies, it is the intent of the Legislature to focus on the potential safety implications associated with driver distractions while using advanced in-vehicle technologies that receive, transmit, or display various types of information, including those that allow drivers to phone, fax, obtain route guidance, view infrared images on a heads-up display, and use the Internet and other electronic devices.

SEC. 2. Section 2407.5 is added to the Vehicle Code, to read:

2407.5. (a) Any accident report prepared by a member of the Department of the California Highway Patrol or any other peace officer shall include information as to whether a cellular telephone or other electronic device was in use in the vehicle or vehicles involved in the accident and whether the use of that device or devices is a known or suspected contributory factor to the cause of the accident. Nothing in this subdivision shall be construed to prohibit or otherwise limit, the collection of any other information.

(b) Information described in subdivision (a) shall be collected and transmitted to the department on or before July 1, 2002.

(c) The department shall compile the information from its own members and that supplied by other peace officers.

(d) The department shall study the compiled data and make recommendations concerning the issue of driver distractions ~~in connection with the use of cellular telephones and other electronic devices placed and used in motor vehicles. The~~ *as contributory factors to the cause of traffic accidents. The* department shall develop recommendations for legislative or regulatory action to

1 address these issues, and, as part of the study, the The department  
2 shall review and analyze existing studies and statistics relating to  
3 ~~the use of cellular telephones and other electronic devices while~~  
4 ~~driving.~~ *issue of driver distractions as contributory factors to the*  
5 *cause of traffic accidents.* As part of the study, the department shall  
6 evaluate the reliability of the compiled data, shall compare its  
7 reliability to the data used in other studies, and shall evaluate what  
8 steps may or should be taken to improve the reliability of data  
9 reporting and collection.

10 (e) As used in this section, electronic devices include, but are  
11 not limited to, televisions, fax machines, navigation systems, and  
12 computers.

13 (f) The department shall submit a report regarding the study  
14 described in this section to the Governor and Legislature,  
15 including findings and recommendations, on or before December  
16 31, 2002.

17 (g) This section shall remain in effect only until January 1,  
18 2003, and as of that date is repealed, unless a later enacted statute,  
19 that is enacted before January 1, 2003, deletes or extends that date.

20 SEC. 3. Notwithstanding Section 17610 of the Government  
21 Code, if the Commission on State Mandates determines that this  
22 act contains costs mandated by the state, reimbursement to local  
23 agencies and school districts for those costs shall be made pursuant  
24 to Part 7 (commencing with Section 17500) of Division 4 of Title  
25 2 of the Government Code. If the statewide cost of the claim for  
26 reimbursement does not exceed one million dollars (\$1,000,000),  
27 reimbursement shall be made from the State Mandates Claims  
28 Fund.